REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 12, 2006 ("Final Office Action"). Claims 1-39 are pending in the present application and currently stand rejected.

Section 102 Rejection

Claims 1-6, 12, 14, 16-20, 22, 27, 29-31, 36 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,566 issued to Ault, et al. ("*Ault*"). Applicant traverses these rejections.

As the PTO is fully aware, in order for a reference to anticipate a claim "[t]he identical invention <u>must</u> be shown in as <u>complete detail</u> as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (Emphasis Added). With this threshold requirement in mind, Applicant submits that the PTO has failed to establish a *prima facie* case of anticipation using *Ault*.

Independent Claim 1 is allowable because *Ault* fails to disclose, expressly or inherently, "initiating a service request message by a first client to a first server, the service request message initiated after <u>a telephony call session</u> has been established between the first client and a communication network." The Final Office Action alleges that *Ault* discloses this limitation at Column 4, line 45 to Column 5, line 20, but this is incorrect. Rather, Column 4, line 45 to Column 5, line 20 describes a flowchart of a conventional Web transaction implemented by a Web Server in response to a receipt of a request from a client machine. In this process, the Web server accepts a request from a Web client, and, after processing that request, returns a response to the Web client. *See* Column 4, lines 45-46 of *Ault*. Thus, clearly, *Ault* discloses a conventional Web transaction – not a <u>telephony call session.</u>

In response to Applicant's previous arguments concerning *Ault's* lack of disclosure of the above feature, the Final Office Action indicated that "Ault teaches the client sending messages to the server by making remote calls to the server." *See* Final Office Action, page 2. However, even if such were the case, such is not a disclosure of a service request message initiated after a <u>telephony call session</u> has been established. *Ault* undeniably

contains no disclosure of <u>telephony call sessions</u>. Therefore, *Ault* could not disclose "initiating a service request message . . . after a <u>telephony call session</u> has been established between the first client and a communication network." For at least this reason, Applicant submits that *Ault* fails to disclose the Applicant's invention in as <u>complete detail</u> as is contained in Independent Claim 1. Accordingly, Independent Claim 1 and its dependents should be allowed as should Independent Claims 14, 29, and 36 and their dependents for analogous reasons.

Notwithstanding the above reason for allowance, many of the dependent claims are also allowable because *Ault* fails to teach or suggest the additional limitation or limitations recited by the respective dependent claims. An example is described below.

Claim 2 is also allowable because *Ault* fails to disclose a service (delivered to a client) that comprises an application operable to provide text viewing and <u>modification</u> capabilities. With regards to this limitation, the Office Action points to Column 4, lines 47-65, but this is incorrect. At best, this portion discusses determining authorization for a document and returning a response – <u>not</u> services comprising an application operable to provide text viewing and <u>modification</u> capabilities.

In response to Applicant's previous arguments concerning *Ault's* lack of disclosure of the above feature, the Final Office Action indicated that "Ault teaches a browser through which a request message is sent. The request message includes a URL. The examiner asserts that the URL is text entered by the client and can be modified based on the request." *See* Final Office Action, page 2. However, even if such were the case, such is not a disclosure of a service (delivered to a client) that comprises an application operable to provide text viewing and <u>modification</u> capabilities. As acknowledged by the PTO, the application (the browser) in *Ault* is already at the client. Therefore, it is not delivered to the client. Accordingly, for at least this additional reason, Claim 2 is allowable as are Claims 3, 17, and 18 for analogous reasons.

Section 103 Rejections

Numerous dependent claims were rejected under 35 U.S.C. § 103(a). These rejections are moot because the independent claims are allowable as identified above.

Previous Removal of Ault Reference

Applicant notes that *Ault* was used in a rejection on November 4, 2004, but not in a rejection of May 17, 2005. The November 4, 2004 rejection using *Ault* was withdrawn when the claims were amended to their present form. Applicant submits that the allowability of the independent claims over *Ault* is confirmed by the fact that the PTO upon viewing the claims in their present form chose to remove the November 4, 2004 rejection using *Ault* and instead attempted to use a different reference in alleging a rejection.

Failure to Establish Prima Facie Rejection

Applicant submits that the above indicated errors in failing to establish a *prima facie* case of anticipation are clear errors of law as defined by the Official Gazette Notice of July 12, 2005, establishing the procedure for the Pre-Appeal Brief Request for Review, and if maintained, would clearly be overturned by a Pre-Appeal Panel.

Request for Evidentiary Support

Should any of the above asserted rejections be maintained, Applicant respectfully requests appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicant requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an "Official Notice" or other information within the Examiner's personal knowledge, Applicant respectfully requests that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional

statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.
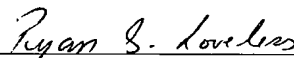
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Ryan S. Loveless, Attorney for Applicant, at the Examiner's convenience at (214) 953-6913.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: _June 12, 2006_

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